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## RESPONSES TO INFORMATION REQUESTS (RIRs)

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22 March 2005

### BRA43452.FE

Brazil: Military and alternative service; penalties imposed, including the loss of or limited access to certain rights, on individuals who refuse to perform either of these services (2000-Mar. 2005)

Research Directorate, Immigration and Refugee Board, Ottawa

According to Article 143 of the Federal Republic of Brazil's constitution, military service is compulsory, except for women and clergy, who are exempt in times of peace (Brazil 5 Oct. 1988). Law No. 4.375 on military service indicates that the requirement to register for military service begins on 1 January of the year in which the citizen turns 18 (Brazil 17 Aug. 1964; see also WRI 6 May 1998; United Nations 27 Jan. 2004).

The constitution indicates that, in times of peace, individuals who claim conscientious objection based on their religious, political or philosophical beliefs can obtain authorization from the armed forces to perform an alternative service (Brazil 5 Oct. 1988). Decree No. 8.239 of 4 October 1991 and Regulation 2.681 of 28 July 1992 specify the regulations for conscientious objectors and the terms of alternative service (WRI 6 May 1998). However, the Research Directorate could not obtain those texts.

Two anti-war and anti-violence organizations noted that the provisions in effect do not guarantee the "civil" nature of the alternative service, which is performed under the authority of the armed forces (Center on Conscience and War 2004; WRI May 2004; see also Coalition to Stop the Use of Child Soldiers 17 Nov. 2004). Another source indicated that, although conscientious objectors are recognized under the laws of Brazil, no concrete measures to implement these laws have been established (American Friends Service Committee 17-18 Mar. 2001).

Little information on the consequences of refusing to perform military or alternative service could be found among the sources consulted by the Research Directorate. During an 17 March 2005 telephone interview, a representative from the Center on Conscience and War said that if a person decides not to perform either of these two services, he or she would be brought before a military tribunal and would be sent to prison. The same source also said that the individual would lose all "civil and political rights, including the right to work, the right to vote and access to any state-provided service or benefit" (Center on Conscience and War 17 Mar. 2005). No corroborating information could be found among the sources consulted by the Research Directorate within the time constraints for this Response.

No specific information on the duration of the prison sentence and the possibility to appeal could be found among the sources consulted by the Research Directorate. However, the representative at the Center on Conscience and War said that "the prison sentence is usually not less than the duration of the military service" (17 Mar. 2005).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

## References

American Friends Service Committee, Paeju, South Korea. 17-18 March 2001. Military Service Workshop on Mandatory Conscription, Alternative Service, Human Rights in the Military, Conscientious Objection and Non-Violence. <[http://www2.gol.com/users/quakers/military\\_service\\_workshop\\_on\\_man.htm](http://www2.gol.com/users/quakers/military_service_workshop_on_man.htm)> [Accessed 16 Mar. 2005]

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## Additional Sources Consulted

**Oral sources:** The Embassy of Brazil in Ottawa, the office of the military attaché at the Embassy of Brazil in Washington and the three human rights organizations consulted did not provide information within the time constraints for this Response.

**Internet sites, including :** Amnesty International (AI), BBC, *CIA World Factbook*, *Country Reports on Human Rights Practices for 2004*, European Country of Origin Information Network (ECOI), Freedom House, Human Rights Internet (HRI), Human Rights Watch (HRW), *International Religious Freedom Report*, Organization of American States (OAS), United Kingdom Immigration and Nationality Directorate (IND).

  
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